

ORIGINAL
ILLINOIS COMMERCE
COMMISSION

May 1 1 21 PM '02
TRANSPORTATION DIV.

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE DEPARTMENT OF TRANSPORTATION)
OF THE STATE OF ILLINOIS, for and in)
behalf of the People of the State of Illinois,)**

Petitioner,)

vs.)

NORFOLK SOUTHERN RAILWAY COMPANY,)

Respondent.)

No. **T02-0045**

(Parcel 5248024PE and 5248028PE

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 332 (US Route 150 and IL Rte. 1), a State highway under the control and jurisdiction of Petitioner, in Vermilion County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibits "A" and "B", respectively, attached hereto and incorporated by this reference, are required for Petitioner's improvement of FAP Route 332 at a point near and on the Norfolk Southern Railroad 0.3 miles north of

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FAI Route 74 in Danville, Vermilion County, Illinois, (hereafter the "Project").

2. Respondent, Illinois Central Railroad Company, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, namely the improvement of FAP Route 332 (US Rte. 150 or IL Rte. 1) in Vermilion County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire fee permanent easements in Parcel Nos. 5248024PE and 5248028PE, more particularly described in Exhibits "A" and "B", respectively, attached hereto.

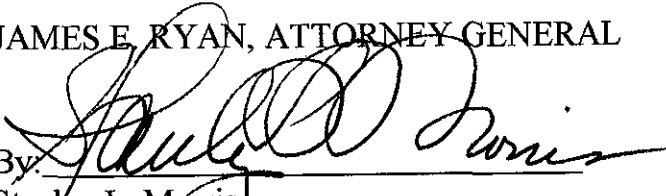
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from

Respondent, NORFOLK SOUTHERN RAILWAY COMPANY, permanent easements in Parcel Nos. 5248024PE and 5248028PE, more particularly described in attached Exhibits "A" and "B", respectively, all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner


JAMES E. RYAN, ATTORNEY GENERAL

By: 
Stanley L. Morris
Special Assistant Attorney General

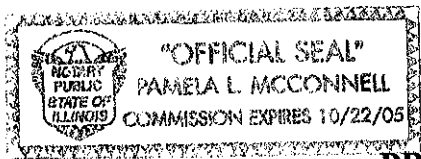
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STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) SS

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.


STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 1st day of May, 2002.




Notary Public

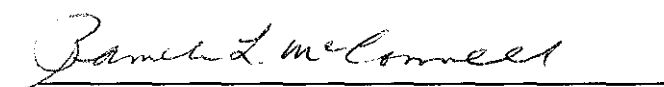
PROOF OF SERVICE

The undersigned certifies that on May 1, 2002, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

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Norfolk Southern Railway Company
Attn: Virginia Caso
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PARCEL NO. 5248024 PE

Part of the Northwest Quarter of Section 17, Township 19 North, Range 11 West of the Second Principal Meridian, City of Danville, Vermilion County, Illinois, further described as follows:

Commencing at the northwest corner of Lot 23 in McDonald and Van Valkenberg's Outlot Addition to Highland Park, now the City of Danville, said point being at the intersection of the south right-of-way line of Third Street and the southerly right-of-way line of the Norfolk Southern Railroad; thence South 27 degrees 25 minutes 41 seconds West, 145.460 meters [477.23 feet] along said southerly railroad right-of-way line to the Point of Beginning; thence South 27 degrees 13 minutes 00 seconds West, 69.776 meters [228.92 feet] along said southerly railroad right-of-way line; thence North 49 degrees 58 minutes 01 second West, 41.262 meters [135.37 feet] to a point on the northerly right-of-way line of said Norfolk Southern Railroad; thence North 27 degrees 13 minutes 00 seconds East, 51.529 meters [169.06 feet] along said northerly railroad right-of-way line; thence South 75 degrees 31 minutes 12 seconds East, 41.249 meters [135.33 feet] to the Point of Beginning. Containing 2240 square meters or 0.244 hectares [26,264 square feet or 0.603 acres], more or less.

PARCEL NO. 5248028 PE

Part of the West Half of Section 17, Township 19 North, Range 11 West of the Second Principal Meridian, City of Danville, Vermillion County, Illinois, further described as follows:

Beginning at the northeast corner of Outlot 1 of Ellsworth Coal Company's Second Addition to South Danville, now the city of Danville, said point being on the northerly right-of-way line of the Norfolk Southern Railroad; thence North 27 degrees 13 minutes 00 seconds East, 4.046 meters [13.27 feet] along said northerly right-of-way line; thence South 62 degrees 47 minutes 00 seconds East, 18.734 meters [61.46 feet]; thence South 27 degrees 13 minutes 00 seconds West, 133.112 meters [436.72 feet]; thence South 01 degree 54 minutes 57 seconds East, 14.276 meters [46.84 feet]; thence North 27 degrees 13 minutes 00 seconds East, 58.947 meters [193.40 feet]; thence South 62 degrees 47 minutes 00 seconds East, 14.549 meters [47.73 feet] to a point on the southerly right-of-way line of the Norfolk Southern Railroad; thence South 27 degrees 13 minutes 00 seconds West, 167.336 meters [549.00 feet] along said southerly right-of-way line; thence North 01 degree 54 minutes 57 seconds West, 20.661 meters [67.79 feet] along a line parallel with and 10.058 meters [33.00 feet] westerly of the centerline of FAP 332 (US 150 and IL 1) to a point on the southerly right-of-way line of the Norfolk Southern Railroad; thence South 27 degrees 13 minutes 00 seconds West, 154.299 meters [506.23 feet] along said southerly right-of-way line; thence North 62 degrees 47 minutes 00 seconds West, 4.318 meters [14.17 feet]; thence North 27 degrees 13 minutes 00 seconds East, 121.084 meters [397.26 feet]; thence North 07 degrees 33 minutes 09 seconds West, 13.866 meters [45.49 feet]; thence North 62 degrees 47 minutes 00 seconds West, 7.892 meters [25.89 feet] to a point on the northerly right-of-way line of the Norfolk Southern Railroad; thence North 27 degrees 13 minutes 00 seconds East, 57.920 meters [190.03 feet] along said northerly right-of-way line; thence North 01 degree 54 minutes 57 seconds West, 20.661 meters [67.79 feet] along a line parallel with and 10.058 meters [33.00 feet] westerly of the centerline of FAP 332 (US 150 & IL 1) to a point on the northerly right-of-way line of the Norfolk Southern Railroad; thence North 27 degrees 13 minutes 00 seconds East, 177.736 meters [583.12 feet] along said northerly right-of-way line to the Point of Beginning. Containing 7956 square meters or 0.796 hectares [1.966 acres] more or less.